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7 **UNITED STATES DISTRICT COURT**  
8 **CENTRAL DISTRICT OF CALIFORNIA**  
9

10 CAMERON HARRELL,  
11 Plaintiff,  
12 vs.

13  
14 BEAR VALLEY MEDICAL AND  
15 BUSINESS CENTER LLC; and DOES 1  
16 to 10,  
17 Defendants.  
18  
19  
20  
21  
22

**Case No.:**

COMPLAINT FOR INJUNCTIVE  
RELIEF AND DAMAGES FOR DENIAL  
OF CIVIL RIGHTS OF A DISABLED  
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES  
ACT, 42 U.S.C. §12131 et seq.;
2. CALIFORNIA'S UNRUH CIVIL  
RIGHTS ACT;
3. CALIFORNIA'S DISABLED  
PERSONS ACT;
4. CALIFORNIA HEALTH & SAFETY  
CODE;
5. NEGLIGENCE

23 Plaintiff CAMERON HARRELL ("Plaintiff") complains of Defendants BEAR  
24 VALLEY MEDICAL AND BUSINESS CENTER LLC; and DOES 1 to 10  
25 ("Defendants") and alleges as follows:  
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**PARTIES**

1  
2 1. Plaintiff is a California resident with a physical disability. Plaintiff is  
3 diagnosed with complete paraplegia and is substantially limited in his ability to walk.  
4 Plaintiff requires the use of a wheelchair at all times when traveling in public.

5 2. Defendants are, or were at the time of the incident, the real property owners,  
6 business operators, lessors and/or lessees of the real property for a tile store (“Business”) located at or about 17260 Bear Valley Rd., Victorville, California.

7  
8 3. The true names and capacities, whether individual, corporate, associate or  
9 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,  
10 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of  
11 Court to amend this Complaint when the true names and capacities have been  
12 ascertained. Plaintiff is informed and believes, and, based thereon, alleges that each such  
13 fictitiously named Defendants are responsible in some manner, and therefore, liable to  
14 Plaintiff for the acts herein alleged.

15 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant  
16 times, each of the Defendants was the agent, employee, or alter-ego of each of the other  
17 Defendants, and/or was acting in concert with each of the other Defendants, and in doing  
18 the things alleged herein was acting with the knowledge and consent of the other  
19 Defendants and within the course and scope of such agency or employment relationship.

20 5. Whenever and wherever reference is made in this Complaint to any act or  
21 failure to act by a defendant or Defendants, such allegations and references shall also be  
22 deemed to mean the acts and failures to act of each Defendant acting individually, jointly  
23 and severally.

24 **JURISDICTION AND VENUE**

25 6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and  
26 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*  
27 *seq.*).  
28

8. Plaintiff's claims are authorized by 28 USC §§ 2201 and 2202.

## **FACTUAL ALLEGATIONS**

11. The Business is a tile store business establishment, open to the public, and is a place of public accommodation that affects commerce through its operation. Defendants have provided adequate parking spaces for customers.

13. To the extent of Plaintiff's personal knowledge, the barriers at the Business included, but were not limited to, the following:

14. These barriers and conditions denied Plaintiff the full and equal access to the Business and caused Plaintiff difficulty and frustration. Plaintiff wishes to return and patronize the Business; however, Plaintiff is deterred from visiting the Business because his knowledge of these violations prevents him from returning until the barriers are removed.



1 such goods, services, facilities, privileges, advantages, or  
2 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).

3 b. A failure to take such steps as may be necessary to ensure that no  
4 individual with a disability is excluded, denied services, segregated or  
5 otherwise treated differently than other individuals because of the  
6 absence of auxiliary aids and services, unless the entity can  
7 demonstrate that taking such steps would fundamentally alter the  
8 nature of the good, service, facility, privilege, advantage, or  
9 accommodation being offered or would result in an undue burden. 42  
10 U.S.C. § 12182(b)(2)(A)(iii).

11 c. A failure to remove architectural barriers, and communication barriers  
12 that are structural in nature, in existing facilities, and transportation  
13 barriers in existing vehicles and rail passenger cars used by an  
14 establishment for transporting individuals (not including barriers that  
15 can only be removed through the retrofitting of vehicles or rail  
16 passenger cars by the installation of a hydraulic or other lift), where  
17 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).

18 d. A failure to make alterations in such a manner that, to the maximum  
19 extent feasible, the altered portions of the facility are readily  
20 accessible to and usable by individuals with disabilities, including  
21 individuals who use wheelchairs or to ensure that, to the maximum  
22 extent feasible, the path of travel to the altered area and the  
23 bathrooms, telephones, and drinking fountains serving the altered  
24 area, are readily accessible to and usable by individuals with  
25 disabilities where such alterations to the path or travel or the  
26 bathrooms, telephones, and drinking fountains serving the altered area  
27 are not disproportionate to the overall alterations in terms of cost and  
28 scope. 42 U.S.C. § 12183(a)(2).

1           21. Where parking spaces are provided, accessible parking spaces shall be  
2 provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every  
3 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in  
4 (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA  
5 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall  
6 be a van accessible parking space. 2010 ADA Standards § 208.2.4.

7           22. Under the ADA, the method and color of marking are to be addressed by  
8 State or local laws or regulations. See 36 C.F.R., Part 1191. Under the California  
9 Building Code (“CBC”), the parking space identification signs shall include the  
10 International Symbol of Accessibility. Parking identification signs shall be reflectorized  
11 with a minimum area of 70 square inches. Additional language or an additional sign  
12 below the International Symbol of Accessibility shall state “Minimum Fine \$250.” A  
13 parking space identification sign shall be permanently posted immediately adjacent and  
14 visible from each parking space, shall be located with its centerline a maximum of 12  
15 inches from the centerline of the parking space and may be posted on a wall at the  
16 interior end of the parking space. See CBC § 11B-502.6, et seq.

17           23. Under the 1991 Standards, parking spaces and access aisles must be level  
18 with surface slopes not exceeding 1:50 (2%) in all directions. 1991 Standards § 4.6.2.  
19 Accessible parking spaces shall be at least 96 in (2440 mm) wide. Parking access aisles  
20 shall be part of an accessible route to the building or facility entrance and shall comply  
21 with 4.3. Two accessible parking spaces may share a common access aisle. Parked  
22 vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces  
23 and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all  
24 directions. 1991 Standards § 4.6.3.

25           24. Here, the access aisles were not level with the parking spaces they serve as  
26 there were permanent ramps installed within the boundaries of the access aisles. Under  
27 the 2010 Standards, access aisles shall be at the same level as the parking spaces they  
28 serve. Changes in level are not permitted. 2010 Standards § 502.4. “Access aisles are

1 required to be nearly level in all directions to provide a surface for transfer to and from  
 2 vehicles.” 2010 Standards § 502.4 Advisory. Id. No more than a 1:48 slope is permitted  
 3 as there was a permanent ramp installed within the boundary of the access aisle.

4 25. A public accommodation shall maintain in operable working condition those  
 5 features of facilities and equipment that are required to be readily accessible to and usable  
 6 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

7 26. By failing to maintain the facility to be readily accessible and usable by  
 8 Plaintiff, Defendants are in violation of Plaintiff’s rights under the ADA and its related  
 9 regulations.

10 27. The Business has denied and continues to deny full and equal access to  
 11 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be  
 12 discriminated against due to the lack of accessible facilities, and therefore, seeks  
 13 injunctive relief to alter facilities to make such facilities readily accessible to and usable  
 14 by individuals with disabilities.

## 15 **SECOND CAUSE OF ACTION**

### 16 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

17 28. Plaintiff incorporates by reference each of the allegations in all prior  
 18 paragraphs in this complaint.

19 29. California Civil Code § 51 states, “All persons within the jurisdiction of this  
 20 state are free and equal, and no matter what their sex, race, color, religion, ancestry,  
 21 national origin, disability, medical condition, genetic information, marital status, sexual  
 22 orientation, citizenship, primary language, or immigration status are entitled to the full  
 23 and equal accommodations, advantages, facilities, privileges, or services in all business  
 24 establishments of every kind whatsoever.”

25 30. California Civil Code § 52 states, “Whoever denies, aids or incites a denial,  
 26 or make any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable  
 27 for each and every offense for the actual damages, and any amount that may be  
 28 determined by a jury, or a court sitting without a jury, up to a maximum of three times the



1 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any  
 2 attorney's fees that may be determined by the court in addition thereto, suffered by any  
 3 person denied the rights provided in Section 51, 51.5, or 51.6.

4 31. California Civil Code § 51(f) specifies, "a violation of the right of any  
 5 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)  
 6 shall also constitute a violation of this section."

7 32. The actions and omissions of Defendants alleged herein constitute a denial  
 8 of full and equal accommodation, advantages, facilities, privileges, or services by  
 9 physically disabled persons within the meaning of California Civil Code §§ 51 and 52.  
 10 Defendants have discriminated against Plaintiff in violation of California Civil Code §§  
 11 51 and 52.

12 33. The violations of the Unruh Civil Rights Act caused Plaintiff to experience  
 13 difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory  
 14 damages as specified in California Civil Code §55.56(a)-(c).

### 15 **THIRD CAUSE OF ACTION**

#### 16 **VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

17 34. Plaintiff incorporates by reference each of the allegations in all prior  
 18 paragraphs in this complaint.

19 35. California Civil Code § 54.1(a) states, "Individuals with disabilities shall be  
 20 entitled to full and equal access, as other members of the general public, to  
 21 accommodations, advantages, facilities, medical facilities, including hospitals, clinics,  
 22 and physicians' offices, and privileges of all common carriers, airplanes, motor vehicles,  
 23 railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes  
 24 of transportation (whether private, public, franchised, licensed, contracted, or otherwise  
 25 provided), telephone facilities, adoption agencies, private schools, hotels, loading places,  
 26 places of public accommodations, amusement, or resort, and other places in which the  
 27 general public is invited, subject only to the conditions and limitations established by  
 28 law, or state or federal regulation, and applicable alike to all persons.



1           36. California Civil Code § 54.3(a) states, “Any person or persons, firm or  
2 corporation who denies or interferes with admittance to or enjoyment of public facilities  
3 as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an  
4 individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for  
5 the actual damages, and any amount as may be determined by a jury, or a court sitting  
6 without a jury, up to a maximum of three times the amount of actual damages but in no  
7 case less than one thousand dollars (\$1,000) and any attorney’s fees that may be  
8 determined by the court in addition thereto, suffered by any person denied the rights  
9 provided in Section 54, 54.1, and 54.2.

10           37. California Civil Code § 54(d) specifies, “a violation of the right of an  
11 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also  
12 constitute a violation of this section, and nothing in this section shall be construed to limit  
13 the access of any person in violation of that act.

14           38. The actions and omissions of Defendants alleged herein constitute a denial  
15 of full and equal accommodation, advantages, and facilities by physically disabled  
16 persons within the meaning of California Civil Code § 54. Defendants have  
17 discriminated against Plaintiff in violation of California Civil Code § 54.

18           39. The violations of the California Disabled Persons Act caused Plaintiff to  
19 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for  
20 statutory damages as specified in California Civil Code §55.56(a)-(c).

#### 21                                   **FOURTH CAUSE OF ACTION**

#### 22                                   **CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

23           40. Plaintiff incorporates by reference each of the allegations in all prior  
24 paragraphs in this complaint.

25           41. Plaintiff and other similar physically disabled persons who require the use of  
26 a wheelchair are unable to use public facilities on a “full and equal” basis unless each  
27 such facility is in compliance with the provisions of California Health & Safety Code §  
28

1 19955 et seq. Plaintiff is a member of the public whose rights are protected by the  
2 provisions of California Health & Safety Code § 19955 et seq.

3 42. The purpose of California Health & Safety Code § 1995 et seq. is to ensure  
4 that public accommodations or facilities constructed in this state with private funds  
5 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of  
6 Title 1 of the Government Code. The code relating to such public accommodations also  
7 require that “when sanitary facilities are made available for the public, clients, or  
8 employees in these stations, centers, or buildings, they shall be made available for  
9 persons with disabilities.

10 43. Title II of the ADA holds as a “general rule” that no individual shall be  
11 discriminated against on the basis of disability in the full and equal enjoyment of goods  
12 (or use), services, facilities, privileges, and accommodations offered by any person who  
13 owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).  
14 Further, each and every violation of the ADA also constitutes a separate and distinct  
15 violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an  
16 award of damages and injunctive relief pursuant to California law, including but not  
17 limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

18 **FIFTH CAUSE OF ACTION**

19 **NEGLIGENCE**

20 44. Plaintiff incorporates by reference each of the allegations in all prior  
21 paragraphs in this complaint.

22 45. Defendants have a general duty and a duty under the ADA, Unruh Civil  
23 Rights Act and California Disabled Persons Act to provide safe and accessible facilities  
24 to the Plaintiff.

25 46. Defendants breached their duty of care by violating the provisions of ADA,  
26 Unruh Civil Rights Act and California Disabled Persons Act.

27 47. As a direct and proximate result of Defendants’ negligent conduct, Plaintiff  
28 has suffered damages.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays for relief and judgment against Defendants as follows:

1. For preliminary and permanent injunction directing Defendants to comply with the Americans with Disability Act and the Unruh Civil Rights Act;
2. Award of all appropriate damages, including but not limited to statutory damages, general damages and treble damages in amounts, according to proof;
3. Award of all reasonable restitution for Defendants' unfair competition practices;
4. Reasonable attorney's fees, litigation expenses, and costs of suit in this action;
5. Prejudgment interest pursuant to California Civil Code § 3291; and
6. Such other and further relief as the Court deems just and proper.

**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: January 29, 2025

SO. CAL. EQUAL ACCESS GROUP

By: /s/ Jason J. Kim  
Jason J. Kim, Esq.  
Attorneys for Plaintiff